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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/153,577	09/15/1998	DANIEL J. ZIGMOND	3382-50875/S	5732

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EXAMINER	
PEYTON, TAMMARA R	
ART UNIT	**PAPER NUMBER**
2182	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	09/153,577	ZIGMOND ET AL.	
	Examiner	Art Unit	
	Tammara R Peyton	2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 February 2007* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *See Continuation Sheet* is/are pending in the application.

4a) Of the above claim(s) *21,22,24,52055,57-59,82-101, 104* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *See Continuation Sheet* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2121106.
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

Continuation of Disposition of Claims: Claims pending in the application are 6,7,11-13,15,16,21,22,24-26,28,30-35,38-41,43-55,57-59,61-69,71-73 and 75-104.

Continuation of Disposition of Claims: Claims rejected are 6,13,15,16,25,26,28,30-35,38,39,41,43-50,62,63,65,66,68,69,71-73,76-81,102 and 103.

Continuation of Disposition of Claims: Claims subject to restriction and/or election requirement are 6,7,11-13,15,16,21,22,24-26,28,30-35,38-41,43-55,57-59,61-69,71-73 and 75-101.

DETAILED ACTION

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 6, 13, 15, 16, 25, 26, 28, 30, 31,32, 35, 38, 39, 41, 43, 44-50, 62, 63, 65, 66, 68, 69, 71-73, 76-77, 78- 81, 102, and 103 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shoff et al., (US 6,240,555) sited as prior art 03/05/04 and Schein et al., (US 6,002,394) and in further view of Kaplan (US 6,058,430 – previously sited in 02/01/01).

1. As per claims 6, 15, 16, 28, 30, 35, 45, 46, 49, 62, 66, 71, 72, 78, and 81, Shoff teaches a method of operating a screen to transition between display of a televised signal and display of auxiliary data from an auxiliary data network that delivers data apart from the television signal, comprising:

- displaying a television signal; (Fig. 6)

- in response to link data conveyed with the televised signal, displaying with the displayed television signal an icon, said icon indicating the availability of associated auxiliary data from the auxiliary data network; (Figs. 6, 7)
- responsive to a signal from a viewer during the displaying the icon, displaying a graphical control panel operable by the viewer to cause display of the auxiliary data associated with the icon. (Abstract, cols. 2-14)

2. Shoff teaches a display (200, Fig. 8a) with an icon 204 wherein if a viewer selects the newly display icon then an information panel showing available interactive content associated with the icon is displayed (Fig. 8c). Shoff teaches displaying the information panel along with the current program (200) and the available interactive content (soft buttons 212-221). (Fig. 8b) Shoff teaches that the soft button present various control options to the viewer to invite interactive involvement with the current program. (col. 11) Shoff also teaches the soft button 221 is a quit button, which allows the viewer to leave the interactive mode and return to watching the current program. Shoff teaches that soft buttons 218-220 enable selection of different types of supplemental content. Shoff teaches simultaneously displaying both the information panel and the available interactive content. However, Shoff is silent in respect to having an information panel being displayed before displaying of the auxiliary data.

3. Schein teaches a system and method for linking television user/viewer with broadcasters or advertisers during the broadcast of a commercial or television program. Schein teaches during a specific commercial or television program, for example a sporting program, one or more icons are displayed on the television screen for the user to click on. The icon could represent activating the television guide or the icon could represent a commercial sponsor related to the real-time broadcast. (Schein, col. 20, lines 29-57)

4. Schein teaches in one embodiment that during the television program an icon will appear on the television screen and in order for the user to access information related to the newly displayed icon the user must click on the icon to activate the television guide display panel. (col. 20, 29-45) Example of the television guide display panel is shown in Figs. 16-21. The television guide display panel provides the user with several options to choose from. For example, one of the options is to exit the television guide display panel and return to watching the television or commercial program. Another option is to activate another program guide that displays related channels and further an option to service links including accessing the Internet or to a special database (3 – linked, Fig. 17b) linked to the program. (col. 21-25) Schein discloses that when an icon is selected "the viewer can move a cursor or other visual indicator to the television guide icon and click thereon to open up the television guide..,",col. 20, lines 34-38. Schein specifically teaches activating the television guide and the display of the television guide is explained in Figs. 16-21 – specifically Fig. 17b that shows in the information screen

area the choices given to the user. Schein does not clearly teach directly retrieving the additional data after the icon is selected but activating the television guide and displaying the information screen thereby giving the user a choice. One option is to return to the program and additional option (3) is to receive linked data. Examiner is taking the position that the sequence in which Schein discloses in regards to the user selecting the icon is further explained in the subsequence figures 16-21 that detail the functions and options related to the television guide. In every instance, the television guide is first displayed and the user is giving several options before additional information is retrieved.

5. Examiner is taking the position that Schein teaches an embodiment that during the television program an icon will appear on the television screen and the user must click on the icon to activate the television guide display panel. One of the options on the television guide display panel is to exit the television guide display panel and return to viewing the television program and another option allows the user to retrieved additional information.

6. Shoff and Schein draw to the same conclusion of displaying information associated with the current televised content, therefore, it would have been obvious to one of ordinary skill at the time the invention was made to implement Schein's television guide display panel options to Shoff thereby allowing a user to return to viewing the televised content after clicking an 'icon' displayed during a television or commercial

program and activating a television guide display panel wherein one of a plurality of options includes exiting the display panel and returning to television program and another option is displaying the television guide and then allows the user to retrieved additional information. Doing so would improve the look and feel of Shoff's information panel by providing a two-step process that allows the user to display and exit the information panel before additional information is retrieved.

7. Shoff-Schein do not specifically teaches having a progress indicator indicating progress of retrieval of the auxiliary data. However, Kaplan teaches the use of a progress indicator in the form of a connecting symbol or message. (Kaplan, col. 5, lines 23-26) Therefore, it would have been obvious to one of ordinary skill for Shoff-Schein to implement an indication to the viewer via a connecting symbol icon or message, as taught by Kaplan, because doing so would further expand the flexibility of Shoff-Schein's interactive display system by alerting the user doing the retrieval of auxiliary data that the retrieval is taking place.

8. As per claim 13, 79, Shoff teaches displaying in the graphic control panel a title of the auxiliary data (get info) associated with the icon. Schein obviously teaches display the title of the auxiliary data associated with the icon.

9. As per claim 38, and 80, Shoff teaches that responsive to a second signal from the viewer during the displaying of the graphical control panel display the auxiliary

data.

10. As per claims 25, 26, 47, 48, 62, and 69, Shoff-Schein discloses receiving the auxiliary data and television signal and seeing if they can be identified by the system's memory and recalling at least part of the memory for displaying to the screen. Further both Shoff-Schein discloses displaying at least part of the log and retrieving and displaying the additional information.

11. As per claims 31, 32, 39, 50, 63, and 68, Shoff-Schein obviously teaches that the icon is translucent in order to not inhibit viewer's program during the broadcast.

Claims 6, 13, 15, 16, 25, 26, 28, 30, 31,32, 35, 38, 39, 41, 43, 44-50, 62, 63, 65, 66, 68, 69, 71-73, 76-77, 78- 81, 102, and 103 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shoff et al., (US 6,240,555) sited as prior art 03/05/04 and Schein et al., (US 6,002,394) and in further view of Klug et al. (US 6,615,251).

12. Please see the Shoff-Schein combination 1-6 above and in further view of Klug. Shoff-Schein do not specifically teaches having a progress indicator indicating progress of retrieval of the auxiliary data. However, Klug teaches the use of a progress indicator in the form of displaying the percentage of loading that is complete. (Klug, col. 9, lines 13-28). Klug teaches a system wherein user information to direct messages is not limited to conventional Internet sessions, but may also be employed in

the context of cable television, WebTV and other contexts involving user-addressable content. Such addressable networks may include the Internet, certain television networks or other networks where content can be addressed to specific nodes. Therefore, it would have been obvious to one of ordinary skill for Shoff-Schein to implement an indication to the viewer via displaying a percentage of the download data in a host of environments including the context of cable television, WebTV and other contexts involving user-addressable content, as taught by Klug, because doing so would further expand the flexibility of Shoff-Schein's interactive display system by alerting the user doing the retrieval of auxiliary data that the retrieval is taking place. (Klug, cols. 4-6) Please see the Shoff-Schein combination 8-11 and in further view of Klug.

Claims 33, 34, 41, 43, 44, 65, 76, 77, are rejected under 35 U.S.C. 103(a) as being unpatentable over Shoff et al., (US 6,240,555) sited as prior art 03/05/04 and Schein et al., (US 6,002,394) and in further view of Kaplan (US 6,058,430 – previously sited in 02/01/01) or Klug et al. (US 6,615,251) as applied to claims 6, 15, 16, 28, 30, 35, 45, 46, 49, 62, 66, 71, 72, 78, and 81 above, and further in view of Hidary et al., as previously sited as IDS – 05/24/02.

13. As per claims 33, 34, 41,43, 44, 65, 76, and 77, Shoff-Schein teaches of displaying the icon for a limited amount of time and if the user does not respond disabling the icon from the screen. Shoff teaches of receiving and showing an icon at a

predetermined time as it relates to a specific program or channel, it is obvious that after the specific program has ended that the particular icon related to the show is removed from the screen. Shoff-Schein-Kaplan or Schoff-Schein-Klug does not expressly teach that in response to subsequent link data, skipping displaying the icon at least in part upon result of comparing the subsequent link data to at least some previous link data. However, it would have been obvious to one of ordinary skill that Shoff-Schein-Kaplan or Schoff-Schein-Klug would have been motivated to limit the number of times an icon is shown during a particular broadcast if the user did not respond the first time. Furthermore, Schein teaches wherein the television guide display panel provides the user with several options to choose from. One of the options includes adding the selected programs to a favorites list. Schein also gives the user the ability to store certain link data in a memory.

14. Nonetheless, Hidary teaches a PC/TV computer system method that embeds URLs with incoming television signals wherein the user is able to watch a television program and related URLs are display to the user at appropriate times on the screen. (col. 5, lines 41-45) Hidary specifically teaches comparing at least some previously received URLs (link data) to currently received URLs (link data) and subsequent URLs. (Fig.3) If the current link data was previously received Hidary teaches skipping this previously received URL. (Hidary, col. 1, lines 61 – col. 6, lines 1-57) Further Hidary teaches comprising logs of previously received URLs and in response to the user

selection, retrieving and displaying the additional information from the URLs list. (Hidary, col. 5, lines 46-59)

15. One of ordinary skill in the art at the time the invention was made would readily recognize that Shoff-Schein-Kaplan or Schoff-Schein-Klug would have been motivated to implement Hidary's teachings of making a record of the previously received link data and skipping currently received link data to be display to the user at appropriate times if it was determined that the link data was previously received because implementing such a method would ensure that the user's television broadcast would not be unduly interrupt.

15. As per claims 102 and 103, 102, Shoff-Schein teaches wherein the television signal has a standard NTSC format and wherein the television signal is received over a transport mechanism selected from the group consisting of broadcast, cable, and satellite. Shoff-Schein-Kaplan or Schoff-Schein-Klug do not teach SECAM, PAL, or HDTV formats, however, official notice is taken that these broadcast television formats are well known in the art and it would have been obvious to one of ordinary skill at the time the invention was made that implementing those format other than the NTSC format would not depart from the Shoff-Schein inventive concept; and further, Shoff-Schein would have been motivated to incorporate other types of method because doing so would allow channels of television content to be multiplexed and transmitted over a common transmission medium.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tammara Peyton whose telephone number is (571) 272-4157. The examiner can normally be reached between 6:30 - 4:00 from Monday to Thursday, (I am off every first Friday), and 6:30-3:00 every second Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Huynh can be reached on (571) 272-4147. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-2100.

Mailed responses to this action should be sent to:

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Faxes for Official/formal (After Final) communications or for informal or draft communications (please label "PROPOSED" or "DRAFT") sent to:

(571) 273-8300

Hand-delivered responses should be brought to:

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TAMMARA PEYTON
PRIMARY EXAMINER

Tammara Peyton

February 21, 2007